

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DONALD CHARLES SPEIRS, ) CASE NO.: C06-1543-JCC-MAT  
Petitioner, )  
v. ) ORDER RE: PENDING MOTIONS  
JEFFREY A. UTTECHT, )  
Respondent. )  
\_\_\_\_\_)

Having reviewed respondent's motion for an extension of time to file an answer (Dkt. 21) and petitioner's motion for summary judgment (Dkt. 24), the Court hereby finds and ORDERS:

(1) Respondent seeks a seven-day extension of time in which to file an answer. (Dkt. 21.) The Court has considered the objections raised in petitioner's response to this motion (Dkt. 25), but finds respondent's request for a brief extension reasonable. Accordingly, respondent's motion for an extension of time to file an answer is GRANTED.

(2) On the same day respondent filed his answer, the Court received a motion for summary judgment filed by petitioner. (*See* Dkts. 22 & 24.) However, the Court finds no basis for departing from the briefing schedule set out in the Order for Service and Answer, § 2254

01 Petition. (Dkt. 16.) As such, petitioner's motion for summary judgment is STRICKEN from the  
02 calendar and will be considered solely as a supplement to petitioner's habeas petition. Proceeding  
03 with the established briefing schedule, and based on the **February 9, 2007** noting date for  
04 consideration of respondent's answer, petitioner may file and serve a response to respondent's  
05 answer no later than **February 5, 2007**, and respondent may file and serve a reply no later than  
06 **February 9, 2007**. *See also* Local Civil Rule 7(d)(3).

07 (3) The Clerk shall direct copies of this Order to petitioner, to counsel for respondent,  
08 and to the Honorable John C. Coughenour.

09 DATED this 19th day of January, 2007.

Mary Alice Theiler  
Mary Alice Theiler  
United States Magistrate Judge